

## Message Text

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R 031055Z MAY 76

FM AMEMBASSY BUCHAREST

TO SECSTATE WASHDC 7714

LIMITED OFFICIAL USE SECTION 1 OF 3 BUCHAREST 2427

E.O. 11652: N/A

TAGS: EWWT, EEWT, RO

SUBJECT: TEXT OF DRAFT US/ROMANIAN MARITIME AGREEMENT

REF: BUCHAREST 2341

1. FOLLOWING IS TEXT OF DRAFT BILATERAL MARITIME AGREEMENT INITIALLED APRIL 30 BY HEADS OF DELEGATIONS. INITIALLED COPIES OF ENGLISH AND ROMANIAN TEXTS ARE BEING CARRIED BY DEPT BY US DEL; EMBASSY COMMENTS ON ROMANIAN TRANSLATION FOLLOW SEPTTEL. BEGIN TEXT.

2. (TITLE) AGREEMENT

BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA ON MARITIME TRANSPORT

3. (PREAMBLE)

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA;

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BEING AWARE OF THE LONG-STANDING FRIENDSHIP BETWEEN

THEIR COUNTRIES AND THE AMERICAN AND ROMANIAN PEOPLES;

DESIRING TO PROMOTE FRIENDLY RELATIONS ON THE BASIS  
OF THE PRINCIPLES SET FORTH IN THE JOINT STATEMENT OF THE  
PRESIDENTS OF THE TWO STATES AT WASHINGTON ON DECEMBER 5,  
1973, AND REAFFIRMING THE CONTINUING IMPORTANCE OF THE  
JOINT STATEMENT ON ECONOMIC, INDUSTRIAL AND TECHNOLOGICAL  
COOPERATION ISSUED AT WASHINGTON ON DECEMBER 5, 1973;

RECALLING THE AGREEMENT ON TRADE RELATIONS BETWEEN  
THE UNITED STATES OF AMERICA AND THE SOCIALIST REPUBLIC OF  
ROMANIA, SIGNED AT BUCHAREST ON APRIL 2, 1975, EMBODYING  
UNDERTAKINGS AND ARRANGEMENTS FOR THE CONDUCT OF TRADE  
BETWEEN THEIR COUNTRIES, WHICH WILL SERVE THE INTERESTS  
OF BOTH PEOPLES;

RECOGNIZING THAT IT IS TO THEIR MUTUAL AD-  
VANTAGE TO STRENGTHEN THE COOPERATION BETWEEN THE TWO  
COUNTRIES IN THE FIELD OF MARITIME TRANSPORTATION;

HAVE AGREED AS FOLLOWS:

#### 4. ARTICLE I

##### DEFINITIONS

FOR PURPOSES OF THIS AGREEMENT:

A. "VESSEL" MEANS ANY MERCHANT SHIP WHICH IS ACTUALLY  
ENGAGED IN COMMERCIAL MARITIME CARRIAGE OF PASSENGERS OR  
CARGO.

B. "VESSEL OF A PARTY" MEANS ANY VESSEL WHICH IS UNDER  
THE FLAG OF THE UNITED STATES OF AMERICA OR THE SOCIALIST  
REPUBLIC OF ROMANIA AND IS REGISTERED IN THE UNITED STATES  
OF AMERICA OR IN A PORT OF THE SOCIALIST REPUBLIC OF  
ROMANIA.

C. "VESSEL" DOES NOT INCLUDE WARSHIPS, AS DEFINED IN  
MULTI-LATERAL CONVENTIONS TO WHICH BOTH PARTIES ARE BOUND.  
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D. "MEMBER OF THE CREW" MEANS ANY PERSON EMPLOYED ON  
BOARD THE VESSEL DURING ITS VOYAGE WHO ACTUALLY PERFORMS  
DUTIES OR SERVICES CONNECTED WITH THE OPERATION OR MAIN-  
TENANCE OF THE VESSEL AND WHOSE NAME IS INCLUDED ON THE  
CREW LIST OF THE VESSEL.

#### 5. ARTICLE 2

FISHING VESSELS

THIS AGREEMENT SHALL NOT APPLY TO OR AFFECT THE RIGHTS OF FISHING VESSELS, FISHERY RESEARCH VESSELS AND FISHERY SUPPORT VESSELS.

6. ARTICLE 3

PARTICIPATION IN MARITIME TRANSPORTATION

THE PARTIES WILL SEEK TO ENCOURAGE THE FREE PARTICIPATION OF THE VESSELS OF BOTH PARTIES IN MARITIME TRANSPORTATION BETWEEN THE UNITED STATES OF AMERICA AND THE SOCIALIST REPUBLIC OF ROMANIA.

7. ARTICLE 4

DEVELOPMENT AND FACILITATION OF MARITIME TRAFFIC

(1) EACH PARTY SHALL, WITHIN THE LIMITS OF ITS APPLICABLE LAWS AND REGULATIONS, ADOPT ALL APPROPRIATE MEASURES TO FACILITATE AND EXPEDITE MARITIME TRAFFIC BETWEEN THE TWO STATES, TO PREVENT DELAYS TO VESSELS AND, INsofar AS POSSIBLE, TO SIMPLIFY AND EXPEDITE THE IMPLEMENTATION OF ADMINISTRATIVE, CUSTOMS, AND ALL OTHER REQUIRED FORMALITIES.

(2) THE PARTIES SHALL ENCOURAGE THE DEVELOPMENT OF CONTAINER TRANSPORT AND THE PROMOTION OF MODERN TECHNOLOGY IN MARITIME TRAFFIC BETWEEN THE PORTS OF THE TWO PARTIES.

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8. ARTICLE 5

ENTRY TO PORTS

(1) NOTING ARTICLE VII, PARAGRAPH 3 OF THE AGREEMENT ON TRADE RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE SOCIALIST REPUBLIC OF ROMANIA OF APRIL 2, 1975, THE PARTIES AGREE THAT VESSELS OF EITHER PARTY SHALL HAVE LIBERTY ON EQUAL TERMS WITH VESSELS OF ANY THIRD COUNTRY, TO COME WITH THEIR CARGOES TO PORTS, PLACES, AND WATERS OF THE OTHER PARTY OPEN TO FOREIGN COMMERCE AND NAVIGATION, EXCEPT INsofar AS REQUIREMENTS OF NATIONAL SECURITY LIMIT SUCH ACCESS; SUCH VESSELS AND CARGOES SHALL THEN IN ALL RESPECTS BE ACCORDED MOST-FAVORED-NATION TREATMENT WITHIN THE PORTS, PLACES, AND WATERS OF THE OTHER PARTY EXCEPT IN-

SO FAR AS MODIFIED BY PORT SECURITY REQUIREMENTS.

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(2) THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL NOT BE INTERPRETED TO ENTITLE A VESSEL OF ONE PARTY TO PERFORM PORT SERVICES, INCLUDING PILOTAGE AND TOWAGE SERVICES, OR SERVICES OF SALVAGE AND ASSISTANCE, WITHIN THE PORTS, PLACES, AND WATERS OF THE OTHER PARTY.

9. ARTICLE 6

CARRIAGE OF PASSENGERS AND CARGO

(1) VESSELS OF EITHER PARTY ARE ENTITLED TO ENGAGE IN COMMERCIAL PASSENGER AND CARGO SERVICES BETWEEN PORTS OF THE PARTY IN WHICH THEY ARE REGISTERED AND PORTS OF THE OTHER PARTY AND BETWEEN/PORTS OF THE OTHER PARTY AND THIRD COUNTRIES.

(2) THIS AGREEMENT SHALL NOT APPLY TO THE TRANSPORTATION OF PASSENGERS OR CARGO BETWEEN PORTS OF THE SAME PARTY. HOWEVER, THE RIGHT OF VESSELS OF EITHER PARTY TO ENGAGE IN COMMERCIAL PASSENGER AND CARGO SERVICES IN ACCORDANCE WITH PARAGRAPH 1 OF THIS ARTICLE, SHALL INCLUDE THE RIGHT TO PICK UP OR DISCHARGE PASSENGERS AND CARGO AT MORE THAN ONE PORT OF THE OTHER PARTY IF SUCH PAS-

SENGERS AND CARGO ARE DESTINED FOR OR ARE PROCEEDING FROM  
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ANOTHER COUNTRY ON THE SAME VESSEL.

(3) CARGO CARRIED IN A VESSEL OF ONE PARTY MAY BE  
RELOADED  
IN A VESSEL OF THAT PARTY AFTER IT HAS BEEN UN-  
LOADED IN THE TERRITORY OF THE OTHER PARTY AND REJECTED BY  
THE PERSON TO  
WHOM IT WAS DESTINED, IF THE CARGO THEN BE-  
COMES DESTINED FOR A PORT OUTSIDE THE TERRITORY OF THAT  
OTHER PARTY.

10. ARTICLE 7

PERMANENT OPERATIONS REPRESENTATIVES

IN ORDER TO FACILITATE OPERATIONS AND TO ENSURE EF-  
FICIENT USE OF THE VESSELS OF THE PARTIES, THE ENTER-  
PRISES WHICH OPERATE SUCH VESSELS MAY MAINTAIN PERMANENT  
OPERATIONS REPRESENTATIVES IN THE TERRITORY OF THE OTHER  
PARTY.

11. ARTICLE 8

DOCUMENTS

(1) VESSELS OF THE FLAG OF A PARTY, AND CARRYING THE  
DOCUMENTS REQUIRED BY ITS LAW IN PROOF OF NATIONALITY, SHALL  
BE DEEMED TO BE VESSELS OF THAT PARTY.

(2) THE DOCUMENTS OF A VESSEL, INCLUDING TONNAGE  
CERTIFICATES, AS WELL AS THE DOCUMENTS REFERRING TO CREWS,  
ISSUED ACCORDING TO THE LAWS AND REGULATIONS OF THE PARTY  
UNDER WHOSE FLAG THE VESSEL IS NAVIGATING, WILL BE RECOG-  
NIZED BY THE AUTHORITIES OF THE OTHER PARTY. FOR PURPOSES  
OF THIS PARAGRAPH, DOCUMENTS OF INDIVIDUAL CREW MEMBERS  
SHALL BE UNITED STATES SEAMAN'S DOCUMENTS OR THE SOCIALIST  
REPUBLIC OF ROMANIA CARNET DE MARINAR AS IDENTIFICATION  
DOCUMENTS.

(3) EACH PARTY SHALL INFORM THE OTHER PARTY OF ANY  
CHANGES IN ITS SYSTEM OF TONNAGE MEASUREMENT.

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12. ARTICLE 9

CREWS IN PORT

(1) MEMBERS OF THE CREW OF VESSELS OF EITHER PARTY SHALL BE PERMITTED TO GO ASHORE DURING THE STAY OF THEIR VESSEL IN THE PORTS OF THE OTHER PARTY, IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS OF THE PARTY WHERE THE VESSEL IS LOCATED.

(2) EACH PARTY MAY DENY ENTRY INTO ITS TERRITORY OF A MEMBER OF THE CREW OF A VESSEL OF THE OTHER PARTY IN ACCORDANCE WITH ITS APPLICABLE LAWS AND REGULATIONS.

(3) MEMBERS OF THE CREW OF VESSELS OF EITHER PARTY REQUIRING HOSPITALIZATION SHALL BE PERMITTED TO ENTER INTO AND REMAIN IN THE TERRITORY OF THE OTHER PARTY FOR THE PERIOD OF TIME NECESSARY FOR MEDICAL TREATMENT, IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS OF THE PARTY WHERE THE HOSPITALIZATION AND TREATMENT TAKE PLACE.

(4) SEAMEN OF EITHER PARTY, WHO ARE DOCUMENTED AS DESCRIBED IN PARAGRAPH 2 OF ARTICLE 8 OF THIS AGREEMENT, MAY ENTER THE TERRITORY OF THE OTHER PARTY FOR THE PURPOSE OF JOINING THE CREW OF NATIONAL VESSELS, IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS OF THE OTHER PARTY. LIKEWISE, MEMBERS OF THE CREW OF VESSELS OF EITHER PARTY MAY, FOR THE PURPOSE OF REPATRIATION, FOR PROCEEDING TO ANOTHER PORT TO JOIN THE CREW OF A VESSEL, OR FOR ANY OTHER REASON ACCEPTABLE TO THE APPROPRIATE AUTHORITIES OF THE OTHER PARTY, TRAVEL THROUGH THE TERRITORY OF THAT PARTY, AFTER APPROVAL OF THE APPROPRIATE AUTHORITIES OF THAT PARTY HAS BEEN OBTAINED.

13. ARTICLE 10

RELATIONS WITH CONSULAR REPRESENTATIVES

MEMBERS OF THE CREW OF VESSELS OF EITHER PARTY AND ITS CONSULAR OFFICIALS ARE ENTITLED TO CONTACT AND TO MEET EACH LIMITED OFFICIAL USE

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OTHER WHENEVER THEIR VESSEL IS IN THE PORTS OF THE OTHER PARTY, IN ACCORDANCE WITH THE APPLICABLE LAWS AND REGULATIONS OF THE PARTY WHERE THE VESSEL IS LOCATED.

14. ARTICLE 11

VESSELS IN DISTRESS

(1) SHOULD A VESSEL OF EITHER PARTY BE INVOLVED IN A MARITIME ACCIDENT OR ENCOUNTER ANY OTHER DANGER IN THE PORTS, PLACES AND WATERS OF THE OTHER PARTY, THE OTHER PARTY SHALL GIVE FRIENDLY TREATMENT AND ALL POSSIBLE ASSISTANCE

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TO THE PASSENGERS, CREW, CARGO AND VESSEL IN ACCORDANCE WITH THE HIGHEST TRADITIONS OF THE SEA.

(2) WHEN A VESSEL OF ONE PARTY IS INVOLVED IN A MARITIME ACCIDENT OR ENCOUNTERS ANY OTHER DANGER AND CARGO IS REMOVED THEREFROM AND LANDED IN THE TERRITORY OF THE OTHER PARTY, SUCH CARGO SHALL NOT BE SUBJECT TO ANY CUSTOMS DUTIES UNLESS IT ENTERS INTO DOMESTIC CONSUMPTION. STORAGE CHARGES INCURRED SHALL BE IN ACCORDANCE WITH PARAGRAPH 1 OF ARTICLE 5 OF THIS AGREEMENT.

(3) EACH PARTY SHALL PROMPTLY NOTIFY THE CONSULAR OFFICIALS, OR IN THEIR ABSENCE, THE DIPLOMATIC REPRESENTATIVES, OF THE OTHER PARTY WHEN ONE OF THE VESSELS OF THE LATTER PARTY IS IN DISTRESS, AND INFORM THEM OF MEASURES TAKEN FOR THE RESCUE AND PROTECTION OF THE VESSEL, ITS CREW, PASSENGERS, CARGO AND STORES.

15. ARTICLE 12

NAVIGATION ON THE DANUBE

THE PROVISIONS OF THIS AGREEMENT WILL BE APPLIED WITH  
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RESPECT TO NAVIGATION ON THE DANUBE, TAKING INTO  
ACCOUNT THE NAVIGATION RULES AND APPROPRIATE REGULATIONS  
IN FORCE.

16. ARTICLE 13

RIGHTS RESERVED

(1) WITH RESPECT TO MATTERS NOT SPECIFIED IN THIS  
AGREEMENT, THE PARTIES RESERVE THE RIGHT TO APPLY THEIR  
NATIONAL LAWS AND REGULATIONS.

(2) THE PROVISIONS OF THIS AGREEMENT SHALL NOT  
LIMIT THE RIGHT OF EITHER PARTY TO TAKE ANY ACTION FOR  
THE PROTECTION OF ITS SECURITY INTERESTS.

17. ARTICLE 14

CONSULTATIONS

(1) IN ORDER TO PROMOTE THE ORDERLY AND EFFICIENT  
DEVELOPMENT AND OPERATION OF COMMERCIAL MARITIME TRANS-  
PORTATION, THE PARTIES AGREE THAT THEIR COMPETENT  
AUTHORITIES SHALL MEET WHENEVER NECESSARY TO CONSIDER  
MATTERS ARISING UNDER THIS AGREEMENT.

(2) EITHER PARTY MAY REQUEST CONSULTATIONS WITH THE  
OTHER PARTY AT ANY TIME. SUCH CONSULTATIONS SHALL BE HELD  
AT AN AGREED PLACE WITHIN THREE MONTHS FROM THE DATE OF  
RECEIPT OF THE NOTICE REQUESTING CONSULTATIONS.

(3) WHENEVER ONE PARTY BELIEVES THAT A PROBLEM EXISTS  
WITH RESPECT TO THE INTERPRETATION OR APPLICATION OF THIS  
AGREEMENT, ITS POSITION SHALL BE COMMUNICATED TO THE OTHER  
PARTY FOR THE PURPOSE OF FINDING A SOLUTION. ANY DIS-  
AGREEMENT WHICH REMAINS UNSOLVED CONCERNING THE INTERPRETA-  
TION OR APPLICATION OF THIS AGREEMENT SHALL BE REFERRED TO  
DIRECT NEGOTIATIONS BETWEEN THE PARTIES.

18. ARTICLE 15

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DURATION

(1) THE INITIAL TERM OF THIS AGREEMENT SHALL BE FOR THREE YEARS. IT SHALL BE EXTENDED FOR SUCCESSIVE TERMS OF THREE YEARS, SUBJECT TO NEGOTIATIONS BETWEEN THE PARTIES WITHIN A PERIOD OF SIX MONTHS PRIOR TO THE CONCLUDING DATE OF EACH TERM TO APPROVE EXTENSION.

(2) THIS AGREEMENT SHALL EXPIRE AT THE CONCLUSION OF A TERM IF THE PARTIES HAVE NOT APPROVED EXTENSION, OR PRIOR TO SUCH TIME, UPON NINETY DAYS' WRITTEN NOTICE BY ONE PARTY TO THE OTHER.

19. ARTICLE 16

ENTRY INTO FORCE

THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF SIGNATURE.

20. (CLOSING)

IN WITNESS WHEREOF, THE AUTHORIZED REPRESENTATIVES OF THE PARTIES HAVE SIGNED THIS AGREEMENT.

DONE AT -----, THIS ----- DAY OF -----, 1976, IN DUPLICATE, IN THE ENGLISH LANGUAGE AND THE ROMANIAN LANGUAGE, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE GOVERNMENT OF (ETC.)

21. (US SIDE LETTER ON PORT SECURITY)

IN CONNECTION WITH THE SIGNING TODAY OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA ON MARITIME TRANSPORT, I WISH TO REFER TO ARTICLE 5, PARAGRAPH 11 OF THE AGREEMENT, AND TO INFORM YOU OF THE PORT SECURITY PROCEDURES THAT WILL BE APPLICABLE TO ROMANIAN VESSELS WHICH ENTER PORTS OF THE UNITED STATES.

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ENTRY OF ROMANIAN VESSELS INTO PORTS OF THE UNITED STATES SHALL BE PERMITTED, SUBJECT TO APPROVAL BY COMPETENT

UNITED STATES AUTHORITIES OF A REQUEST SUBMITTED FOUR  
FULL WORKING DAYS PRIOR TO THE PLANNED ENTRY.

22. (ROMANIAN RESPONSE TO US SIDE LETTER)

I WISH TO NOTE THE AGREEMENT BETWEEN THE GOVERNMENT OF  
THE SOCIALIST REPUBLIC OF ROMANIA AND THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA ON MARITIME TRANSPORT SIGNED TODAY,  
AND TO ACKNOWLEDGE RECEIPT OF YOUR LETTER RELATING TO THE  
PORT SECURITY PROCEDURES THAT WILL BE APPLICABLE TO ROMANIAN  
VESSELS WHICH ENTER PORTS OF THE UNITED STATES. END TEXT.  
VIETS

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